

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD LEIBOWITZ, *et al.*,

Plaintiffs

v.

C-1-07-731

RICHARD DRAKE, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 23) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 23) is hereby **ADOPTED AND INCORPORATED HEREIN BY REFERENCE**. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (doc. no. 12) is **GRANTED**. This case is **DISMISSED WITHOUT PREJUDICE AND TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court